

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF WASHINGTON
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4 UNITED STATES OF
5 AMERICA,

6 Plaintiff,

7
8 vs.

9 KENNETH RICHARD
10 ROWELL,

11 Defendant.
12
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No. 2:13-CR-06070-WFN-1

ORDER REGARDING
DISCOVERY AND
PRETRIAL MOTIONS

14 **OPEN FILE DISCOVERY**

15 In voluntary discovery cases, the United States, within seven (7)
16 business days of the date of arraignment, shall deliver to the
17 Defendant all investigative material in its file, required by the Federal
18 Rules of Criminal Procedure, specifically including, but not limited
19 to, police and incident reports and Defendant's criminal record. The
20 United States shall continue to furnish discovery as received and
21 complete the process within **fourteen (14) days** of the date of this
22 Order, or within **fourteen (14) days** from receipt by Plaintiff of the
23 discovered material, if later received. These directives assume a
24 defense request for discovery pursuant to Fed. R. Crim. P. 16, and
25 impose a reciprocal duty to provide discovery. If a Defendant does not
26 wish to invoke the rule, the Defendant shall file a notice, prior to
27 accepting discovery from the government.
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1 **NOTICE OF NON-DISCOVERY**

2 If the United States, for any reason, is not going to voluntarily
3 provide all investigative material, it will serve and file a notice to that
4 effect within seven (7) days of this Order. If discovery received after
5 the date of this Order is not going to be voluntarily furnished, a notice
6 to that effect shall be filed and served within seven (7) days of the
7 United States' receipt of such material. Absent the filing of such
8 notice, all discovery shall be promptly furnished consistent with the
9 provisions of this Order.

10 **NO MOTIONS TO BE FILED**

11 An initial early pretrial conference will be set by the presiding
12 Judge to deal with discovery and other issues. **DO NOT FILE ANY**
13 **MOTIONS PRIOR TO THAT PRETRIAL CONFERENCE OR**
14 **HIRE ANY EXPERTS.** This does not prohibit counsel from filing
15 motions before the Magistrate Judge (e.g., motions to withdraw,
16 motions to modify conditions of release, etc.).

17 **NOTICE OF CONFLICT OF INTEREST**

18 The representation by one lawyer, or by different members of one
19 law firm, of two or more Defendants charged under the same
20 instrument or charged with factually related offenses will be permitted
21 only on a showing that no conflict does, or will likely exist, or on a
22 knowing waiver, executed in open court before a federal district
23 judge.

24 Counsel who plan to represent two or more Defendants charged
25 under the same instrument, or charged with factually related offenses,
26 shall immediately file a motion to secure prior approval of such
27 representation by the federal district judge to whom this case is
28 assigned.

1 In addition, counsel shall promptly investigate whether other
2 conflicts exist that may prevent representation, and bring any potential
3 conflicts to the attention of the court as soon as possible.

4 **IT IS SO ORDERED.**

5 DATED December 11, 2013.

6 S/ JOHN T. RODGERS
7 UNITED STATES DISTRICT JUDGE
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